

Meeting: [Cabinet/Council](#) **Date:** [18 November 2025](#) [11 December 2025](#)

Wards affected: [Collaton St Mary - All Wards](#)

Report Title: [Torbay Waste Transfer Station and Household Waste Recycling Centre - Paignton](#)

When does the decision need to be implemented? [December 2025](#)

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1. Purpose of Report

- 1.1 This report sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order (CPO) process for the delivery of a relocated Waste Transfer Station and Household Waste Recycling Centre (HWRC) on land adjacent to the existing operation.

2. Reason for Proposal and its benefits

- 2.1 The current site cannot achieve full compliance without substantial capital investment. Upcoming requirements driven by Simpler Recycling, Extended Producer Responsibility (EPR), flexible plastics, Persistent Organic Pollutants (POPs), Food collections for both household and businesses and other central government directives demand additional space that simply cannot be accommodated within the existing footprint.
- 2.2 Recycling is now central to national and local strategies, and the industry is moving toward a circular economy—prioritising reuse and repair before recycling. This shift will require greater operational flexibility and capacity, which the current site cannot provide. Space is already at a premium, leaving no room for future-proofing.
- 2.3 From a traffic management perspective, the current layout presents significant health and safety risks due to the interaction of vehicles and pedestrians. The existing Household Waste Recycling Centre (HWRC) design does not meet best practice standards, and the

use of raised platforms and steps for waste disposal further increases the risk of accidents and injuries.

- 2.4 Financially, the inability to separate recyclables from black bag waste in significant numbers at the HWRC results in higher disposal costs to MVV, which directly impacts Torbay Council's budget. Implementing a system to extract recyclables from residual waste would reduce costs and improve compliance with recycling targets.
- 2.5 Investment in a new or significantly upgraded facility is essential to ensure regulatory compliance, public safety, financial sustainability, and alignment with future waste management strategies.
- 2.6 The Tor Park Road facility has received multiple Compliance Assessment Report (CAR) notices from the Environment Agency (EA) due to longstanding non-compliance issues. In response, we have implemented several remedial measures following discussions with the EA, including:
- MMA Flexible Surface Repairs: Regular maintenance of the Transfer Station's concrete floor to prevent water ingress. These repairs are required frequently due to heavy vehicle traffic.
 - Concrete Replacement: Full replacement of severely damaged sections of concrete in both the Transfer Station and the glass bay.
 - Drainage Improvements: Installation of drainage systems around the food collection point, baler, and wheel wash area at the Transfer Station exit.
 - Bird Control Measures: Netting installed across the Transfer Station, MRF food and glass areas, and the HWRC to address seagull activity, a concern repeatedly raised by the EA due to the open nature of the Transfer Station.

While these actions have provided the EA with a degree of assurance, they are temporary solutions. The site remains fundamentally non-compliant, and long-term resolution will require significant investment and structural changes.

- 2.6 Incrementally developing the adjacent site in a redundant quarry would allow a phased build out and relocation with the minimum impact on current operations.
- 2.7 The project is currently being worked up to Strategic Outline Case which will be presented to CGB and Cabinet in mid 2026 but the limited land options and the cost of working up design proposals for several sites require a more immediate decision to acquire land.
- 2.8 Every effort will be made to conclude the acquisition of the site by negotiation, but the success of the negotiation process for the acquisition of the land is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the land and properties can be acquired.
- 2.9 The CPO process is a long process and therefore must be commenced soon to ensure that it can be completed and implemented to meet the redevelopment programme for Torbay's main recycling and waste facilities.
- 2.10 An acquiring authority (such as the Council) can pass a resolution providing approval in for the making of a CPO, with its subsequent implementation delegated to officers should it ultimately be necessary to use the same. Such a resolution allows officers to progress the actions needed to enable the CPO to be made and provides the authority to enable the CPO to be made subject to a further resolution passed shortly before the CPO is made to confirm the precise extent of the land and rights sought and to approve the Order documents such as the Statement of Reasons.

3. Recommendation(s) / Proposed Decision

3.1 Recommendations to Cabinet:

- (i) that delegated authority be given to the Chief Executive to continue negotiations with the land owners of the site as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Pride in Place, Transport and Parking and Section 151 Officer on any Heads of Terms to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations;
- (ii) that, having taken into account the options to acquire the land, in the event that the land is not secured by negotiations, the making of the Compulsory Purchase Order (CPO) for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, The Chief Executive be given delegated authority to give effect to this decision, including:
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO by the Secretary of State;
 - (b) to carry out any surveys on the Order Land and enter as may be required to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
 - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

That, subject to (i) and (ii) above, Cabinet recommends the Council:

- (iii) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the development of waste facilities, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid.

Appendices

Appendix 1 – Plan of the extent of the development site

Background Documents

None

Supporting Information

1. Introduction

- 1.1 The existing Waste Operations facilities are sub-optimal and can not continue to provide the statutory service required by legislation.
- 1.2 Change is required to ensure regulatory compliance and reduce unit cost of disposal through increases in income and processing efficiency.

2. Options under consideration

- 2.1 The option to acquire the identified land necessary for the redevelopment by negotiation is being pursued.
- 2.2 Operational appraisal modelling have determined the extent of land necessary to develop.
- 2.3 Not pursuing acquisition via CPO if necessary, could result in the EA issuing further noncompliance notices and eventually fines and hence non-delivery of the preferred scheme.

3. Financial Opportunities and Implications

- 3.1 The Director of Finance has released project development funding and will factor in the medium and longer term capital funding necessary to deliver a phased development in the Medium Term Financial Plan (MTFOP).
- 3.2 The funding for land assembly is from Government Grant (EPR).

4. Legal Implications

- 4.1 The use of CPO powers is a common mechanism used by Local Authorities to acquire land for Regeneration and Redevelopment. It requires a prescribed process set out by MHCLG to followed before a CPO order can be made.
- 4.2 Torbay Councils legal team are actively engaged in both the current acquisition by negotiation and the development of a potential CPO order should it be ultimately required.

5. Engagement and Consultation

- 5.1 The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.

- 5.2 If we proceed with a CPO order it will require full details of correspondence and consultation.

6. Procurement Implications

- 6.1 There is no specific procurement activity required in a CPO process.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 If the CPO is required it will follow chronologically after planning consent is obtained for the proposed development. The planning process will take into consideration all extant and emerging Council Policies associated the proposed development and report on them.

8. Associated Risks

- 8.1 The CPO process is well defined but complex and therefore the procedural risks are moderate. However as property rights are impacted there is significant risk of both legal challenges to the process and financial compensation to both parties directly affected and from third parties, this is normal and provision has been made in the project budget for the likely costs of compensation.
- 8.2 The risk of not making a decision would be to prolong the development process and create uncertainty on the Councils ability to deliver the scheme.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	No adverse impacts are anticipated as the area within the CPO is unused green space. The project aims to improve or maintain the current standard of provision in the urban realm.	None	Not applicable

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

	the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Additional considerations				
Socio-economic impacts (Including impacts on child		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

poverty and deprivation)				
Public Health impacts (Including impacts on the general health of the population of Torbay)		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Human Rights impacts		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None